



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN  
DIRECTOR

June 28, 1999  
AO-99-10

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Janine Feodoroff  
Community Relations Representative  
AK Media/MA  
89 Maple Street, P.O. Box 80490  
Stoneham, MA 02180

Re: Lease of billboards on property owned by candidates

Dear Ms. Feodoroff:

This letter is in response to your June 9, 1999 request for an advisory opinion.

You have stated that AK Media/MA is an outdoor advertising company. Many of the company's billboards are located on private property and as such are subject to lease agreements between the company and private individuals.

The company currently has four billboards located on property owned by an elected official and candidate (a Mayor). The company's lease with this individual has expired and the company is currently renegotiating its agreement with the candidate.

It is common for AK Media/MA to allow the use of a billboard by a landlord as an incentive to sign a lease. You have offered the candidate the use of one of the boards for one month out of each year during the term of the lease. The candidate will be executing the lease renewals during his campaign. The month chosen for free use of the billboard may be the month of the election or a month shortly before the election.

**Questions**

- (1) May the incentive described above be offered to the candidate?
- (2) If the answer to the previous question is "no," may the company reduce its rent payment to the candidate by the fair market value of the use of the billboard for one month?

**Answers**

- (1) Yes. The month of free use of the billboard would not be a "contribution" or "expenditure" subject to the campaign finance law.
- (2) N/A



**Discussion**

The campaign finance law prohibits business corporations from directly or indirectly contributing, expending, or giving any money or other thing of value "*for the purpose of aiding, promoting or preventing the nomination or election of any person to public office, or aiding or promoting or antagonizing the interest of any political party.*" See M.G.L. c. 55, § 8.

A "contribution" is something of value given to a candidate or political committee "*for the purpose of influencing the nomination or election*" of the candidate. See M.G.L. c. 55, § 1 and Weld for Governor v. Director of OCPF, 407 Mass. 761 (1990). A discount or rebate, however, is not a "contribution" unless it is "not available to other candidates for the same office and to the general public."

You have stated that the one-month of free billboard use would be provided to the candidate who owns the land where the billboard is placed as an inducement to continue a lease agreement. It would not be made for the purpose of aiding or promoting the nomination or election of the candidate. The candidate is free to use the billboard for any purpose, including a non-political message. In addition, the arrangement, essentially a discount or rebate, is commonly offered as a similar inducement to other landlords who are not candidates. Therefore, the arrangement would not involve the making of a "contribution" subject to the campaign finance law and would not violate section 8.

This opinion is issued on the basis of your letter and conversations with OCPF staff, and is solely within the context of the campaign finance law. I encourage you to contact us in the future if you have further questions regarding any aspect of the campaign finance law.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan". The signature is written in dark ink and is positioned above the printed name and title.

Michael J. Sullivan  
Director